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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,769	12/20/2001	Taku Kato	217580US2S	6873

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EXAMINER	
HUBER, PAUL W	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 06/09/2004 5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,769	KATO, TAKU	
	Examiner	Art Unit	
	Paul Huber	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura et al. (EP0813194).

Regarding claim 1, Ichimura et al. discloses a playback apparatus (see figures 1 and 5) for playing content data, comprising: providing means (21, 25, 26) for providing not only the content data but also provision date information (copy date-and-hour data) and playback permitted period information (date-and-hour condition data); and playback means (21, 22, 23) for playing the content data on the basis of the information provided by the providing means.

Regarding claims 2, 5, and 6, a date memory (CMD memory 25) stores provision date information representing a latest value provided by the providing means as claimed. The playback means plays the content data when the provision date information (copy date-and-hour data) stored in the date memory corresponds to the playback-permitted period information (date-and-hour condition data). "On the basis of the copy date and hour, the copy date and hour is recorded as the copy management data CMD. A reproduction restricting condition is set in the digitally copied disc (copy destination disc 2) so that the reproduction is permitted within a fixed period from the copy date and hour, or the reproduction is prohibited within a fixed period from the copy date and hour and the reproduction can be first performed after the fixed period elapses" (col. 12, lines 49-57).

Regarding claim 7, Ichimura et al. discloses a recording medium storing content date beforehand and being readable by a computer. See figures 2B and 5, for example. The recording medium, comprising: provision-date information (copy date-and-hour data) checked by the computer, (i.e., controller 21), and determined to be latest or not, the provision-date information being held in the computer when the provision date information is determined to

be latest; and playback-permitted period information (date-and-hour condition data) which is checked by the computer to determine whether or not a period corresponding to a latest value of the provision date information (copy date-and-hour data) is satisfied, and which enables playback of the content data when the period is satisfied.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura et al., as applied to the claims above, in further view of Official Notice.

Ichimura et al discloses the invention as claimed, but fails to specifically teach that the playback apparatus includes a medium holder for detachably holding a recording medium which is externally provided. However, it is manifestly well known in the art that a recording medium may be detachably held within a medium holder, in the same field of endeavor, for the purpose of protecting the recording medium from scratches and fingerprints while the recording medium is held within the holder and Official Notice is hereby taken.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ichimura et al such that the playback apparatus includes a medium holder for detachably holding a recording medium which is externally provided, as manifestly well known in the art. A practitioner in the art would have been motivated to do this for the purpose of protecting the recording medium from scratches and fingerprints while the recording medium is held within the holder.

Relative to the doctrine of Official Notice, see In re Fox, 176 U.S.P.Q. 340 at 341 (CCPA-1973).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura et al, as applied to claim 7 above, in further view of Official Notice.

Ichimura et al discloses the invention as claimed, but fails to specifically teach that the recording medium is an unused-state recording medium which can be subjected to recording only once. However, it is manifestly well known in the art that unused-state recording mediums as claimed exist which can be subjected to recording only once, in the same field of endeavor, for the purpose of inexpensively creating a copy, and Official Notice is hereby taken.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ichimura et al such that the recording medium is an unused-state recording medium which can be subjected to recording only once, as claimed and as manifestly well known in the art. A practitioner in the art would have been motivated to do this for the purpose of inexpensively creating a copy.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.

Paul Huber
Primary Examiner
Art Unit 2653